

**REMARKS**

Review and reconsideration of the Office Action of August 23, 2006, is respectfully requested in view of the above amendments and the following remarks.

Claims 1, 9, and 13 have been cancelled. Claims 16-20 have been added. Support for new Claims 16-20 can be found on cancelled Claims 1, 9, 13, and paragraphs [00029] to [00032] of the specification as originally filed.

No new matter has been entered to the claims by the present amendment.

For the reasons set forth below, Applicants believe that the present set of claims is novel and not obvious over the cited art.

The main difference between the present invention and the cited references is that in the present invention the solid matrix is formed from the mixture of the active ingredients. The references cited by the Examiner form a substrate and then coat the substrate with each one of the active ingredients forming layers. Thus, the surface area of the final product only provides release of one active ingredient at the same time (layers).

In the present invention, the active ingredients are mixed and then formed to a solid matrix; thus, the surface area of the final product provides release of all the active ingredients simultaneously.

The Grandlure attracts the boll weevils into the trap chamber wherein the dichlorvos kills the weevils through contact and vapor activity. By mixing Grandlure with dichlorvos into a solid matrix, cotton boll weevils are more likely to come into direct contact with the lure resulting in a greater dosage to the weevil and a higher percentage of insect mortality before weevils can escape from the trap.

Another advantage of the present invention is that in view that the solid matrix per se is made 100% of the mixture of active ingredients, no support material is needed and the surface area of the solid matrix has all the active components of the mixture providing a uniform concentration of the ingredients through the entire solid matrix; thus, the effect of the solid matrix lasts longer, reducing the labor cost involved in replacing the lure in the traps. Furthermore, the solid matrix of the present invention significantly reduces the disposal of waste materials (support device of the prior art) from spent dispensers because the product according to the present invention does not require a support for the active ingredients.

New Claim 20 includes the close transitional phrase **consisting of**: this terminology is interpreted to mean that any embodiment that does not contain exactly (no more or no less than) the elements recited in the claim are not considered to be encompassed by the claim. The terminology may include the presence of trace amounts of additional components that are normally present as impurities.

**Office Action**

Turning to the Office Action, the paragraphing of the Examiner is adopted.

**Detailed Action**

The Examiner indicated that Claims 7-8 and 12 stand withdrawn from further consideration as being drawn to a non-elected invention.

The position of the Examiner can be found on page 2 of the Office Action.

Applicants note that on page 2 of the **previous** Office Action, the Examiner indicated that the method claims will be **re-joint** to the product claims if the product claims are found allowable and the method claims include all the limitations of the product claims.

Applicants respectfully request that the Examiner re-joint the method claims to the product claims if the product claims are found allowable.

**Anticipation rejection**

The Examiner rejects Claim 13 under 35 U.S.C. 102(b) as being anticipated by Smith US Patent No. 5,888,930

The position of the Examiner can be found on pages 9-11 of the Office Action.

Applicants respectfully traverse.

**For a reference to anticipate, it must contain all the elements of the Claim.**

**Applicants note that the present set of claims includes four independent claims, namely, Claims 16, 17, 19, and 20.**

The following remarks are addressed to the rejected independent claims, Claims 16, 17, 19, and 20, because if these claims are not obvious, it follows that none of the other rejected dependent claims are obvious.

**Regarding Claim 17**

**Applicants note that new Claim 17 corresponds to cancelled Claim 13.**

Compared with Claim 17, the cited reference fails to teach:  
1) a mixture containing the active ingredients, wherein the mixture is formed into a solid matrix and 2) the surface area of the solid matrix includes all the ingredients of the mixture.

**Applicants** reviewed the Smith reference and note that the Smith reference coats a polymer substrate with a weevil attracting pheromone and/or an insecticide. (Column 6, lines 25 to 67 and Column 7, lines 1 to 24).

The main difference between the present invention and the Smith reference is the final product per se.

The Smith reference forms the solid matrix (bead) and then coats the bead with each one of the active ingredients forming layers. Thus, the surface area of the final product only provides release of one active ingredient at the same time. Furthermore, the inner surface of the bead is made of a polymer and the outer surface is made of one of the active ingredients.

In the present invention, the active ingredients are mixed and then formed to a solid matrix; thus, the surface area of the final product provides release of all the active ingredients simultaneously. Because the solid matrix per se is made of the mixture of the active ingredients, the inner and outer surfaces of the solid matrix have the same proportion of active components.

The Grandlure attracts the weevils and the vapor from the dichlorovos kills the weevils. Specifically, the dichlorovos speeds up the release of Grandlure from the matrix, while the plasticizer slows the release of the Grandlure. The divergent forces of the dichlorovos and the plasticizer acting on the Grandlure creates a condition wherein the active ingredients are released simultaneously over a sustained period of time giving it a longer life than just using a pheromone and an insecticide in separate dispensers. There is no teaching in the Smith reference, that when combined with the realm of public knowledge suggests the solid matrix composition of Applicant invention.

#### **Regarding Claim 19**

Compared with Claim 19, the reference further fails to teach that the active ingredients are cured.

Applicants note that Smith cures the polymer (solid matrix) prior to the coating of the active ingredients. Thus, the active ingredients are not cured.

Furthermore, Applicant's invention is a composition that was created by combining in a mixture, a polymer, Grandlure, dichlorvos, a plasticizer and a thickener, then forming a solid matrix and curing the solid matrix in an oven at temperatures from 100 to 300 degrees Fahrenheit. Curing the cured solid matrix, and having all the active ingredients, allows for a controlled and sustained release of the Grandlure.

Thus, the final product according to Smith is different from the final product as claimed in Claim 19.

**Regarding Claim 20**

Claim 20 includes the closed transitional phrase "consisting of".

Accordingly, withdrawal of the rejection is respectfully requested.

**Obviousness rejection**

The Examiner rejects Claims 1-4, 6, 9-11, and 13 under 35 U.S.C. 103(b) as being obvious over Smith US Patent No. 5,888,930.

The position of the Examiner can be found on page 2 of the Office Action.

Applicants respectfully traverse for the same reasons as set forth above and the following remarks.

Smith does not have any technological motivation to form a solid matrix with the mixture of the active ingredients because

Smith uses a solid substrate as the core of his product and then apply each of the active ingredients one at the time forming layers.

Accordingly, withdrawal of the rejection is respectfully requested.

**Anticipation rejection**

The Examiner rejects Claims 1-4, 6, 9-11, and 13 under 35 U.S.C. 102(b) as being anticipated by Von Kohorn US Patent No. 4,160,335.

The position of the Examiner can be found on pages 2-3 of the Office Action.

Applicants respectfully traverse.

**Regarding Claim 16 (cancelled Claim 1)**

Compared with Claim 16 the cited reference fails to teach:  
1) a mixture containing the active ingredients that is formed into a solid matrix and 2) the surface area of the solid matrix includes all the ingredients of the mixture.

**Regarding Claim 17**

Compared with Claim 17 the cited reference fails to teach:  
1) a mixture containing the active ingredients that is formed into a solid matrix and 2) the surface area of the solid matrix includes all the ingredients of the mixture.

Applicants reviewed the Von Kohorn reference and note that this reference uses a laminated dispenser by coating a

cellophane film with a PVC plastisol prepared by mixing a PVC resin, plasticizer, thickener, a pest attractant, and a chemosterilant. Additional layer of nylon scrim and cellophane film were added and the product pressed at 290°F. (See Example 2)

The main difference between the present invention and the Von Kohorn reference is the product per se.

The Von Kohorn reference forms the solid matrix by placing different layers over a substrate. Each layer is made of a different component. Thus, the surface area of the substrate does not have all the active ingredients.

Furthermore, the reference recommended placing the pest control agent and the attractant agent in different layers in order to control the migration of the agents from the interior layers. (Column 6, lines 15-20). In addition, Applicants note that the outer layer and the inner layer of the substrate does not contain the active ingredients.

In the present invention the active ingredients are mixed and then formed to a solid matrix and then all the ingredients are cured; thus, the surface area of the final product provides release of all the active ingredients simultaneously. Because the solid matrix per se is made of the mixture of the active ingredients, the surface area of the solid matrix have all the active components.

The Grandlure attracts the weevils and the vapor from the dichlorovos kills the weevils. Specifically, the dichlorovos speeds up the release of Grandlure from the matrix, while the

plasticizer slows the release of the Grandlure. The divergent forces of the dichlorovos and the plasticizer acting on the Grandlure creates a condition wherein the active ingredients are released simultaneously over a sustained period of time giving it a longer life than just using a pheromone and an insecticide in separate dispensers.

There is no teaching in the Von Kohorn reference, that when combined with the realm of public knowledge suggests the solid matrix composition of Applicant invention.

#### **Regarding Claim 19**

Compare with Claim 19, the reference further fails to teach that the active ingredients are cured.

Applicants note that Smith cures the polymer (solid matrix) prior to the coating of the active ingredients. Thus, the active ingredients are not cured.

Furthermore, Applicant's invention is a composition that was created by combining in a mixture, a polymer, Grandlure, dichlorvos, a plasticizer and a thickener, then forming a solid matrix and curing the solid matrix in an oven at temperatures from 100 to 300 degrees Fahrenheit. Curing the cured solid matrix, and having all the active ingredients, allows for a controlled and sustained release of the Grandlure.

Thus, the final product according to Von Kohorn is different from the final product as claimed in Claim 19.

**Regarding Claim 20**

Claim 20 includes the closed transitional phrase "consisting of".

References Are Not Properly Combinable or  
Modifiable if Their Intended Function is Destroyed

A §103 rejection based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, is not proper and the prima facie case of obviousness cannot be properly made. In short, there would be no technological motivation for engaging in the modification or change. To the contrary, there would be a disincentive. In re Gordon 221 USPQ 1125 (Fed. Cir 1984).

In the instant case, the Von Kohorn reference recommended placing the pest control agent and the attractant agent in **different layers** in order to control the migration of the agents from the interior layers. (Column 6, lines 15-20). Thus, the reference is teaching away from having all the ingredients in the same layer that is the future of the present invention.

Accordingly, withdrawal of the rejection is respectfully requested.

**Obviousness rejection**

The Examiner rejects Claims 1-4, 6, 9-11, and 13-15 under 35 U.S.C. 103(b) as being obvious over McKibben (US Patent No.

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6,183,733) in view of Angst (US Patent No. 5,759,561) and further in view of Rowe (US Patent No. 2,775,994).

The position of the Examiner can be found on pages 3-4 of the Office Action.

Applicants respectfully traverse.

First, Applicants note that McKibben teaches a composition of attracting over-wintering boll weevils. In one embodiment, the composition includes a polymer based insecticidal composition having a polymer, plant volatile, an insecticide, and optionally an attractant. (Column 3, lines 25-32 and Column 6, lines 50-67).

Compare with all independent Claims (Claims 16, 17, 19, and 20) of the present set of claims, this reference fails to teach a vapor releasing insecticide and that the solid matrix is formed from the mixture according to the claims of the present invention.

Furthermore, compare with Claim 19, the reference fails to teach curing the solid matrix, which is made of all the active ingredients.

It is clear from Column 7, lines 41 - 43, that McKibben only had in mind insecticides that had to be ingested by the weevil in order for killing to occur. Thus, the reference fails to teach vapor releasing insecticide. Applicants note that the McKibben reference teaches filling the device with the mixture. (Column 3, lines 25-32 and Column 6, lines 56-58) Thus, the reference fails to teach a solid matrix containing all the active ingredients in the surface area.

In view that the McKibben product is soft enough to have a friable surface that insects can chew and ingest the active ingredients (Column 7, lines 26-32) then the product according to the reference has not been cured at high temperatures as required by Claim 19. Applicant's solid matrix is not soft and friable because the solid matrix including all the active ingredients has been cured at high temperatures.

Applicants note that the Examiner recognized that the McKibben reference fails to teach the use of a vapor releasing insecticide. The Examiner cited the Angst reference to show the use of a vapor releasing insecticide in a pest control composition.

First, Applicants note that the Angst reference is directed to a flowable or viscous non-hardening matrix. The McKibben reference is directed to a solid matrix.

Second, Applicants note that on Column 9, lines 45-52, the reference clearly indicated that the pesticide chosen in the composition cannot evaporate from the composition. Thus, the reference is teaching away from using a vapor releasing pesticide.

Thus, even if the McKibben reference is modified as suggested by the Examiner, the combination will still fail to teach the use of a vapor releasing pesticide, as required by the present set of claims.

The Examiner cited the Rowe reference to show the use of plasticizer with PVC. Applicants note that Rowe is directed to

a method of producing a decorative surface. The reference is not directed to a pest control substance. Thus, the reference is in a completely different field from the McKibben and Angst references. Please note that both the McKibben reference and the Angst reference belong to Class 424. The Rowe reference belongs to Class 154.

Section 103 requires us to presume full knowledge by the inventor (more properly, of the person of ordinary skill in the art) of the prior art in the field of his endeavor... but it does not require us to presume full knowledge by the inventor of prior art outside the field of his endeavor, i.e., of "non-analogous" art. In that respect, it only requires us to presume that the inventor would have had that ability to select and utilize knowledge from other arts reasonably pertinent to his particular problem, which would be expected of a man of ordinary skill in the art to which the subject matter pertains. 151 USPQ at 287.

Accordingly, withdrawal of the rejection is respectfully requested.

**Obviousness rejection**

The Examiner rejects Claims 1-4, 6, 9-11, and 13-15 under 35 U.S.C. 103(b) as being obvious over Von Kohorn in view of Rowe and Ogawasara (US Patent No. 3,888,830).

The position of the Examiner can be found on pages 4-5 of the Office Action.

Applicants respectfully traverse.

Applicant's position regarding the Von Kohorn and Rowe references can be found above.

Applicants respectfully point out to the Examiner that the Ogawasara reference, as well as the Rowe reference, belongs to a different field of invention compared with Von Kohorn.

Rowe is directed to a method and apparatus for producing a decorative surface covering sheet. The Ogawasara reference is directed to curable compositions. Neither of the references are directed to a composition for a pesticide.

Section 103 requires us to presume full knowledge by the inventor (more properly, of the person of ordinary skill in the art) of the prior art in the field of his endeavor... but it does not require us to presume full knowledge by the inventor of prior art outside the field of his endeavor, i.e., of "nonanalogous" art.

The mere fact that it is possible for two isolated disclosures to be combined does not render the result of that combination obvious absent a logical reason of record which justifies the combination. In re Regel et al. (CCPA 1975) 188 USPQ 136. To properly combine two references to reach a conclusion of obviousness, there must be some teaching, suggestion or inference in either or both of the references, or knowledge generally available to one of ordinary skill in the art, which would have led one to combine the relevant teachings

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of the two references.

In the present case, the prior art has not recognized the result-effective capability of having all the active ingredients on the surface area of the solid matrix; thus, no expectation would exist that optimizing the parameter would successfully yield the desired improvement. In re Antonie.

Accordingly, withdrawal of the rejection is respectfully requested.

Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

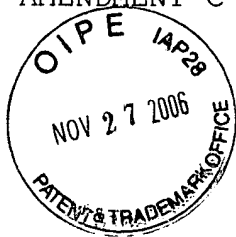
  
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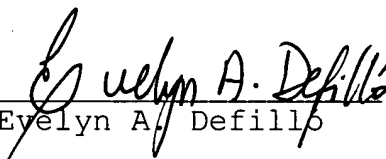
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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing AMENDMENT C for U.S. Application No. 10/752,801 filed January 07, 2004, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 22, 2006.

  
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Evelyn A. Defillo